

3976. Misbranding of "Milam." U. S. v. 1 Doz. Cases * * * of * * * "Milam." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6003. I. S. No. 124-k. S. No. E-134.)

On or about October 16, 1914, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 dozen cases, each containing 12 retail packages of a product known as "Milam," remaining unsold in the original unbroken packages at Spartanburg, S. C., alleging that the product had been shipped on May 1, 1914, and transported from the State of Virginia into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended.

The wholesale and retail packages were labeled: "Milam Trade Mark M Milam Milam For Blood, Bone and Skin. Contains no Potash, no Calomel or Mercury in Any Form. Contains no Alcohol, no Opium, Morphine, Strychnine, Arsenic or other dangerous ingredient. Guaranteed by Milam Medicine Co., Inc., under Pure Food and Drug Act, June 30, 1906, Serial No. 27272. This remedy, in private practice, has been successfully used since 1864 in the treatment of all diseases arising from Impure, Impoverished or acid blood. Is valuable in all run down and depleted conditions, and is recommended for appetite and digestion, wherever there is need of an Alterative Tonic. Shake well Before Using. Manufactured only by The Milam Medicine Co., Inc., Danville, Va. Guaranteed. This is the only remedy of its kind which is sold under the absolute guarantee 'money back if not benefitted'. We do not want any money we do not earn and we can afford this offer, because we know what Milam will do. Requirements. In order to avoid imposition, we require that you be known to the druggist or dealer from whom you purchase. This, we think, is but reasonable. Then, in order to know that the remedy has been given a fair trial, we require you to mail us the Guarantee slip which is around every bottle, so that we may keep a record of your case, the number of bottles taken and the effect. You can ask for advice at any time which will be furnished you by our medical department. We guarantee three bottles as a tonic, but in Blood Diseases, Rheumatism, Uric Acid Troubles, Etc., we do not guarantee less than six bottles. You can buy them one at a time, or Six bottles for \$5.00. If you buy six at once, mail us the guarantee slip from each bottle as you begin taking it, not all at once. No guarantee unless the slip is mailed us. Address The Milam Medicine Co., Inc., Dept. G. Danville, Va. Milam is not a patent medicine, but is a proprietary remedy, made from a formula which has been successfully used since 1864 in the treatment of Rheumatism, Eczema, Chronic Sores, Catarrh, Poison Oak or Ivy, Itch, Ringworm, Tetters, Boils, Carbuncles, Pimples, Anæmia or Impoverished Blood, Caries or Ulceration and decay of the bone, Uric Acid and Contagious Blood Poison. Directions: Take one teaspoonful in wineglass of water three times a day before or after meals. (Four teaspoonful make one Tablespoonful.) Use no mercury or potash in any form while taking this remedy. Eat what you like, but avoid the use of sweet milk. Buttermilk may be freely used and a little cream may be taken in tea or coffee. Do not use spirituous or malt liquors while taking Milam, as they retard and often entirely destroy the benefit from the remedy. No clogging of the liver can be permitted while taking Milam, and if constipation should occur, a vegetable liver pill should be used. Absolutely no harm can result from the use of Milam. If any unusual condition of the stomach or liver should cause discomfort from its use, it will only be temporary. If your case should present any unusual symptoms, write us, and we will furnish you advice from our medical department. In severe cases of blood disease, after the patient is apparently cured, several more bottles should be taken to eradicate all of the poisons". On cartons and bottle labels the following words appeared: "For Blood, Bone and Skin" "In severe cases of blood disease, after the patient is apparently cured, several more bottles should be taken to eradicate all the poison, * * * sold under the absolute guarantee 'money

back if not benefitted', * * * we can afford this offer because we know what Milam will do. * * * we guarantee three bottles as a tonic, but in Blood Diseases, Rheumatism, Uric Acid Troubles, etc., we do not guarantee less than six bottles." On the cartons the following words appeared: "The guaranteed remedy for Rheumatism, Gout and other Uric Acid Conditions. Eczema, Scrofula, and all skin diseases, Boils, Carbuncles, Chronic Sores, Blood Poison, Anæmia or Impoverished Blood, Certain forms of failing vision, Poison Oak and Ivy, Loss of Appetite and all Run Down conditions." On bottle labels the following words appeared: "* * * made from a formula which has been successfully used since 1864 in the treatment of Rheumatism, Eczema, Chronic Sores, Catarrh, Poison Oak or Ivy, Itch, Ringworm, Tetters, Boils, Carbuncles, Pimples, Anæmia or Impoverished Blood, Caries or Ulceration and Decay of the Bone, Uric Acid and Contagious Blood Poison." In the circulars the following words appeared: "Rheumatism. * * * Milam goes from the stomach right into the circulation, removing first the acid and soured condition of the stomach and then the poisonous acid from the blood. * * * The remedy is valuable in Muscular, Articular and Inflammatory Rheumatism, Sciatica and Gout". "Chronic Sores. Chronic Sores, Ulcers, etc., which refuse to heal, are always caused by some bad blood poison, infection or impurity. If the blood is in a bad condition, a scratch or abrasion often develops into an angry sore which gets worse and worse until it becomes an ulcer. One recent case is remarkable because of the desperate condition of the patient, the fact that he was abandoned by the doctors to die, and the exceedingly short time in which he recovered after taking Milam". "Erysipelas. One of the Best Known Men in this City Cured". "Incipient Tuberculosis. We do not set forth Milam as a cure for consumption, but it has proven so beneficial to such patients that we believe, and are supported in our belief by a practicing physician, that Milam will arrest incipient tuberculosis or consumption at its early stages. We know that it greatly benefits even those in the advanced stages" "Consumption. Being a sufferer of the dread disease consumption for several years I was advised by a friend to take Milam. After taking it for several months, I am pleased to state that I am much improved in every way."

It was alleged in the libel that the article was misbranded in that it * * * contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed upon and in the said packages, cartons, bottles, labels and circulars, as aforesaid; further, in that the words and figures so declared, marked, printed, branded, and labeled in and upon the said packages, cartons, bottles, labels and circulars as aforesaid were misleading, false and fraudulent, and said article was misbranded regarding the curative or therapeutic effects thereof or any of the ingredients or substances contained therein within the meaning of the act of Congress, approved on the 30th day of June, A. D. 1906, as amended by the act of Congress, approved on the 23d day of August, A. D. 1912.

On April 27, 1915, no answer or appearance having been made and testimony having been taken before a jury and the court, a verdict was returned by the jury finding the article misbranded. On motion of the United States attorney it was thereupon ordered by the court that the article should be condemned, and that the same should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 17, 1915.